

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC,

Plaintiff,

v.

AUDAX GROUP LP,
AUDAX MANAGEMENT CO. LLC,
101 HUNTINGTON HOLDINGS LLC,
MARC B. WOLPOW, GEOFFREY S.
REHNERT, and RICHARD T. JOSEPH,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation
(Substantively Consolidated)

Adv. Pro. No. 10-04651 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, et seq., and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Windels Marx Lane & Mittendorf, LLP, and defendants Audax Group LP, Audax Management Co. LLC, 101 Huntington Holdings LLC, Marc B. Wolpow, Geoffrey S. Rehnert, and Richard T. Joseph (“Defendants”), by and through their counsel, Frejka PLLC (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 1, 2010, the Trustee filed a Complaint against Defendants.
2. On January 17, 2014, Defendants filed an Answer to the Complaint.
3. On November 18, 2015, the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order entered by this Court on November 12, 2010 [Dkt. No. 3181] (the “Settlement Agreement”).
4. In accordance with Federal Rule of Bankruptcy Procedure 7041, and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a (a) dismissal without prejudice of the Trustee’s claims against Defendants Audax Group LP, Audax Management Co. LLC, 101 Huntington Holdings LLC, Marc B. Wolpow, and Geoffrey S. Rehnert; (b) dismissal with prejudice of the Trustee’s claims against Defendant Richard T. Joseph; and (c) dismissal of the adversary proceeding without costs to any party, subject to the right of the Trustee to move *ex parte* to re-open the adversary proceeding in the event of an uncured default in the installment payments to seek entry of judgment pursuant to the Stipulation for Entry of Judgment, as set forth in the Settlement Agreement.

5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: New York, New York
December 4, 2015

By: /s/ Howard L. Simon
Howard L. Simon (hsimon@windelsmarx.com)
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*Special Counsel for Irving H. Picard, Esq., Trustee for the
Substantively Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and Bernard L. Madoff*

Dated: New York, New York
December 4, 2015

By: /s/ Elise S. Frejka
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Attorneys for Defendants

Dated: December 4, 2015

SO ORDERED
/s/ Stuart M. Bernstein
HON. STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE